REMARKS

This Amendment is fully responsive to the final Office Action dated January 22, 2008 issued in connection with the above-identified application. Claims 1-21 are pending in the present application. With this Amendment, claims 1, 8, 16-18, 20 and 21 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1-21 have been rejected under 35 USC 103(a) as being unpatentable over Majima et al. (U.S. Patent No. 6,979,769, hereafter "Majima") in view of Sakuramoto (U.S. Publication No. 2002/0126992, hereafter "Sakuramoto"). The Applicants have herein amended independent claims 1, 8, 16-18, 20 and 21 to further distinguish the present invention from the cited prior art.

Specifically, independent claim 1 has been amended to point out that the "transmitting side control unit is operable to omit transmission of the content that has been transmitted to the content-receiving apparatus before the transmission of the reproduction control information when it is determined that the data related to the content has been received by the content-receiving apparatus, and said transmitting side control unit is operable to transmit the reproduction control information related to the content that has been previously transmitted to the content-receiving apparatus." (Emphasis added).

The features noted above in claim 1 are similarly recited in independent claims 17 and 20 (as amended). Specifically, claim 17 is a content-transmitting method and claim 20 is a content-transmitting program; and both claims 17 and 20 include steps directed to similar features of the transmitting side control unit of claim 1. The features noted above in claims 1, 17 and 20 are fully supported by the Applicants' disclosure (see e.g., Fig. 2).

Additionally, independent claim 8 has been amended to point out that the "receiving side control unit is operable to (i) receive data related to the content, ID information related to the content, and reproduction control information related to the content, and (ii) judge whether or not the data related to the content has been received by the content-receiving apparatus." (Emphasis added).

The features noted above in claim 8 are similarly recited in independent claims 16, 18

and 21 (as amended). Specifically, claim 16 is a content transmitting/receiving system including a content-receiving apparatus having similar features of the content-receiving apparatus of claim 8. Claim 18 is a content receiving method and claim 21 is a content-receiving program, and both claims include steps directed to similar features of the content-receiving apparatus of claim 8. The features noted above in claims 8, 16, 18 and 21 are fully supported by the Applicants' disclosure (see e.g., Fig. 3).

The present invention, as recited in claims 1, 8, 16-18, 20 and 21, is directed respectively to a content transmitting/receiving system and method that includes a content-transmitting apparatus and/or a content-receiving apparatus. The system of the present invention prevents the resending of content that has already been sent from a content-transmitting apparatus to a content-receiving apparatus, thereby reducing network load and shortening the required time for the transmission and reception of content. Specifically, a transmitting side control unit omits the transmission of the content that has been previously transmitted to a content-receiving apparatus before the transmission of the reproduction control information when it is determined that the data related to the content has been received by the content-receiving apparatus. Thus, the transmitting side control unit transmits only the reproduction control information related to the content that has been previously transmitted to the content-receiving apparatus.

Additionally, the receiving side control unit receives data related to the content, ID information related to the content, and reproduction control information related to the content; and judges whether or not the data related to the content has been previously received by the content-receiving apparatus. The receiving side control unit uses the reproduction control information to reproduce content that has been judged to have been previously received.

The Applicants maintain that the cited prior art fails to disclose or suggest at least the following features recited in claims 1, 8, 16-18, 20 and 21:

1) omitting transmission of the content that has been transmitted to the content-receiving apparatus before the transmission of the reproduction control information when it is determined that the data related to the content has been received by the content-receiving apparatus, and transmitting the reproduction control information related to the content that has been previously transmitted

to the content-receiving apparatus; and

2) receiving data related to the content, ID information related to the content, and reproduction control information related to the content; and judging whether or not the data related to the content has been received by the content-receiving apparatus.

In the Office Action, the Examiner relied on Majima for disclosing the features of the transmitting side control unit and receiving side control unit of the present invention. Specifically, the Examiner relied on col. 3, lines 33-50 of Majima for disclosing or suggesting the claimed transmitting side control unit and the claimed receiving side control unit.

However, Majima at col. 3, lines 33-50 discloses a data reproduction device that repetitively reproduces a second data having event information other than musical instrument digital interface (MIDI) information. Specifically, first data is previously stored to a memory so that, when data is repetitively reproduced, only the time information of the second data is transmitted.

Thus, although Majima discloses sending only time information related to the second data, Majima neither discloses nor suggests the following features respectively recited in claims 1, 8, 16-18, 20 and 21:

1) omitting transmission of the content that has been transmitted to a content-receiving apparatus before the transmission of reproduction control information when it is determined that the data related to the content has been received by the content-receiving apparatus, and transmitting the reproduction control information related to the content that has been previously transmitted to the content-receiving apparatus; and

2) receiving data related to the content, ID information related to the content, and reproduction control information related to the content, and judging whether or not the data related to the content has been received by the content-receiving apparatus.

Based on the above discussion, independent claims 1, 8, 16-18, 20 and 21 are clearly distinguished from Majima. Moreover, Sakuramoto fails to overcome the deficiencies noted

above in Majima. Therefore, independent claims 1, 8, 16-18, 20 and 21 are not anticipated or rendered obvious by Majima and Sakuramoto (individually or in combination). Likewise, claims 2-7, 9-15 and 19 are not anticipated or rendered obvious by Majima and Sakuramoto by virtue of their respective dependency on independent claims 1, 8 and 17.

Based on the foregoing, the Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated January 22, 2008, and pass the application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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